

## APPENDIX E

### CHARTER COMMISSION ORIENTATION MATERIALS RULES OF PROCEDURE

#### I. Historical Perspective

The Laws of 1895 and 1899 provided cities the ability to adopt home rule charters and establish their own form of local government. Prior to that time all cities had to operate under a system established by statute unless special legislation provided a different system. The City of Rochester adopted a home rule charter by election in 1904. The Charter contained 17 chapters, 314 sections and was approximately 100 pages long. Much of the current language of the charter was present in the early versions. In addition, the charter had sections establishing a tax assessor, a justice of the peace, a condemnation process, a special assessment process, and a list of 83 specific powers held by the council. [Regulating the following: showmen; commercial nuisance abatement (tanneries, soap factories, stables, etc.); planning/zoning of stock yards, etc; form of building code; running at large of farm and domestic animals; placement of utility facilities; speed of horses, carts and vehicles; public drunkenness; vagrancy; fortune tellers; location of hitching posts; regulation of locomotives; ice cutting; cock fights and dog fights; fire protection; etc.]. Many of these areas were repealed as a result of obsolescence, preemption, judicial determinations, etc.

The current document was recodified in 1985. It is much more limited to the general operation of our city government, with specific regulations incorporated into the code of ordinances that can be accessed on the City's web-site. The current charter language authorizes the council to use any power provided by law under Minnesota Statutes Ch. 471 or to statutory cities.

#### II. Statutory Framework

Cities may operate either under a home rule charter or under the provisions provided for statutory cities. A home rule charter may only be adopted by election. The charter can be abandoned with the city becoming a statutory city, or a new charter can be adopted in the same manner in which a charter is first adopted.

#### III. Membership / Terms

Charter commissions are created under statutory authority and members are appointed by the district court to serve four year terms. The court has the authority to determine the number of commission members, the limits being from 7 to 15 members. The commission must meet at least once per year. The initial commission is charged with the duty of determining the desirability of a charter and the form of government if a charter is desired. No specific duties are designated for a commission after adoption of the charter.

The commission is authorized to make such changes are deemed appropriate and to act on behalf of citizen petitions.

#### IV. Amendments

State law provides the several processes available for charter amendment.

1. Election (special or general), either upon request of the charter commission, petition of the public (5% of votes cast in the previous state election in city), or upon request of council after referral to commission for review. The governing body establishes the "form of the ballot."
2. Ordinance adopted by council after recommendation by charter commission. Adoption under this method requires unanimous vote of the council after a public hearing. Amendment by ordinance is not effective until 90 days after publication. Public has 60 days in which file a petition objecting to the amendment. The petition must be signed by the lesser of 2,000 or 2% of votes cast in the last state election in the city.

#### V. Procedures

1. Meetings
  1. Meetings are generally held the second Tuesday of each odd-numbered month beginning at 4:30 p.m. in a designated room in City Hall.
  2. At least one meeting per year must be held.
  3. Special meetings may be called by the President or at the request of at least 2 members of the Commission. The secretary shall notify all members of the Commission by any means not less than two days in advance of such special meeting.
  4. Agenda items should be submitted to the City Attorney advisor at least 10 days prior to a scheduled meeting.
  5. Agendas are sent out on Tuesday or Wednesday of the week prior to the meeting.
  6. Annually, the City Attorney's office will send a memo to all city departments asking whether they have any issues to come before the Charter Commission.
2. Agenda
  - A. Administrative Business
    - a. Call Meeting to Order
    - b. Recording of Attendance
    - c. Approve Minutes
    - d. Set Order of Agenda
    - e. Communications

- B. Open Comment Period
- C. Committee Reports
- D. Unfinished and Deferred Business
- E. New Business
  - a. Public Hearings
- F. Other Business – as may be brought up by members
- G. Adjourn

3. Meeting Procedures

- a. Unless otherwise specifically designated, Robert's Rules of Order, as most recently revised, shall govern meeting procedure; insofar as possible.
- b. A quorum shall consist of a simple majority of all commission members.
- c. All voting shall be by voice vote or by a show of hands and the result of the voice or hand vote shall be kept as part of the minutes. Any matter before the Commission that does not get either four affirmative or four negative votes shall be considered tabled until the next regular Commission meeting.
- d. No binding or final action may be taken on any matter not on the written agenda except by a unanimous vote of the members in attendance.
- e. A tabling motion has the effect of laying the matter over until the next regular meeting unless otherwise specified.
- f. Whenever a Commission member shall have a direct or indirect personal or financial interest, in an application or petition before the Commission, such member shall declare such interest and shall not participate as a member of the Commission in any hearing, discussion or deliberations of such matter, and shall in no event vote on such matter. When there is a question on the existence of a conflict of interest, the President shall make a ruling thereon.
- g. The Commission may temporarily suspend its rules by a 2/3 vote of members in attendance.

4. Public Hearings

- a. In addition to those required by law, the Commission may hold public hearings when it decides that such hearings will be in the public interest.
- b. Notice of the time, place and purpose of such hearing shall be published in at least one newspaper of general circulation in the territorial jurisdiction of the Commission at least 10 days prior to the hearing.

5. Public Hearing Procedure

- a. The purpose of holding a public hearing is so the views of the citizens affected are known to the Commission in order to assist the Commission in its decision.
- b. The President shall announce the commencement of the public hearing.
- c. The name of the speaker and the nature of the issue shall be read aloud.

- d. The staff report and recommendation, if any, shall be presented at the discretion of the President.
  - e. The speaker or the speaker's representative shall be heard and may present exhibits or other evidence.
  - f. Anyone desiring to speak on the issue shall be heard.
  - g. The President shall verbally acknowledge any communication received by mail pertaining to the issue and, at his/her discretion, admit it as part of the record.
  - h. The public hearing shall be closed.
  - i. A record shall be kept of those speaking before the Commission at such public hearings.
  - j. While the foregoing order of procedure is intended to establish the general rules for the conduct of a public hearing before the Commission, it should be understood that all public hearings before the Commission will be informal in nature; witnesses shall not be sworn or testify under oath, formal rules of evidence shall not apply, and any procedure which gives the opportunity to present all facts, evidence, and exhibits relevant or material to the hearing, shall suffice.
6. Open Comment Period
- a. The audience member must be recognized by the President.
  - b. The audience member must come forward, state their name, address, and the issue they wish to make a statement on.
  - c. The time cannot be used to continue a discussion on an agenda item that has already been held or is scheduled as a public hearing.
  - d. This agenda section is limited to 15 minutes and each speaker is limited to 2 minutes unless waived by a 2/3 vote of the Commissioners present.
  - e. Any speakers not having the opportunity to be heard will be first to present at the next Commission meeting.
  - f. Matters currently tabled, in negotiation or litigation will not be discussed in this forum.
  - g. Matters related to personnel will not be discussed in this forum.
  - h. Questions posed by a speaker will generally be responded to in writing unless the Commission or staff can adequately answer the question at the meeting.
  - i. The issue to be addressed must not have been previously addressed at a Commission meeting or open forum.
  - j. The Commission shall not debate or discuss other than to decide how to handle the request or question. Where the Commission decides a response is necessary it may place the issue on the agenda for one of the next regularly scheduled meetings.

## VI. Staff

- 1. Staff support is provided by the City Attorney's office.

2. Logistics such as reserving meeting space is provided by administrative support staff within the City Attorney's office.

## VII. Charter / State Law - Interplay

Actions of the Charter Commission are subject to the Laws of the State of Minnesota and judicial order.